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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,827	10/25/2000	Ramanamurthy Dantu	062891.0482	4732

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Baker Botts L L P
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/696,827	Applicant(s) DANTU ET AL.	
	Examiner Lisa Hashem	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1, 9, 19, 20, 22, 26-28, 30, 31, 39, 49, 50, 52, 56-58, 60, 61, 69, 79, 80, 82, and 103-110 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 9, 19, 20, 22, 26-28, 30, 31, 39, 49, 50, 52, 56-58, 60, 61, 69, 79, 80, 82 and 103-110 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 109 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose the following new matter ‘...transmitting any packets in a transmit queue; and discarding subsequent packets received for transmission ...’. Appropriate action is requested.

3. Claim 110 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose the following new matter ‘...wherein the predefined event comprises a quality of service (QoS) reduction; and wherein the wireless data call service comprises reducing a bill for a user of the mobile device...’. Appropriate action is requested.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 9, 19, 20, 22, 26-28, 30, 31, 39, 49, 50, 52, 56-58, 60, 61, 69, 79, 80, 82, 103-105, and 110 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,782,253 by Shteyn et al, hereinafter Shteyn.

Regarding claim 1, Shteyn discloses a method for providing services for wireless data calls, comprising: establishing a wireless data call with a mobile device (Fig. 1, 108); monitoring the content of communications with the mobile device on the wireless data call; detecting in the content a predefined event associated with a wireless data call service; initiating the service for the wireless data call in response to detecting the predefined event in the content; wherein the predefined event comprises a match of a uniform resource locator (URL) requested for access by the mobile device with a particular URL; and wherein the wireless data call service comprises a web service associated with the URL requested for access (col. 6, line 37 – col. 7, line 12).

Regarding claim 9, the method of claim 1 mentioned above, wherein Shteyn further discloses detecting in the content a plurality of predefined events together associated with a wireless data call service; and initiating the service for the data call in response to detecting a predefined number of the predefined events (col. 7, lines 13-61).

Regarding claim 19, the method of claim 1 mentioned above, wherein Shteyn further discloses the web service comprises denying the mobile device access to the web site of the URL requested for access, wherein the mobile device is not authenticated (col. 8, lines 12-41).

Regarding claim 20, the method of claim 1 mentioned above, wherein further Shteyn discloses the web service comprises automatically redirecting the mobile device to a different URL than the URL requested for access (col. 10, lines 11-24 and lines 38-45).

Regarding claim, 22, the method of claim 1 mentioned above, wherein Shteyn further discloses the web service comprises billing a user of the mobile device for accessing the URL requested for access (col. 7, lines 8-12).

Regarding claim 26, the method of claim 1 mentioned above, wherein Shteyn further discloses detecting in the content a plurality of predefined events, each associated with a wireless data call service; and initiating a service for the wireless data call in response to detecting the associated predefined event (col. 7, lines 13-61).

Regarding claim 27, the method of claim 1 mentioned above, wherein Shteyn further discloses the predefined event comprises a service trigger, further comprising retrieving the service trigger from a service agent at setup of the data call (col. 3, lines 1-16; col. 4, lines 18-23; col. 6, line 37 – col. 7, line 12).

Regarding claim 28, the method of claim 1 mentioned above, wherein Shteyn further discloses the predefined event comprises a service trigger, further comprising: retrieving a plurality of service triggers from a service agent for the data call at call setup; monitoring the wireless data call for a service trigger; and initiating a service associated with the service trigger

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for the wireless data call in response to detecting the service trigger (col. 3, lines 1-16; col. 4, lines 18-23; col. 6, line 37 – col. 7, line 61).

Regarding claim 30, the method of claim 1 mentioned above, wherein Shteyn further discloses monitoring the content of communications with the mobile device on the wireless data call in real-time (col. 3, lines 1-16; col. 6, line 37 – col. 7, line 12).

Regarding claims 31, 39, 49, 50, 52, 56-58, and 60, please see the rejection of the method in claims 1, 9, 19, 20, 22, 26-28, 30, respectively, to reject the system in claims 31, 39, 49, 50, 52, 56-58, and 60; wherein Shteyn discloses a computer processable medium (e.g. a service-offer-point (SOP) (Fig. 1, 102); and logic (e.g. a beacon) stored on the computer processable medium operable to monitor a wireless data call and initiate a service for said call (col. 3, lines 36-51; col. 6, lines 37-57).

Regarding claims 61, 69, 79, 80, and 82, please see the rejection of the method in claims 1, 9, 19, 20, and 22, respectively, to reject the system in claims 61, 69, 79, 80, and 82.

Regarding claim 103, Shteyn discloses a method for providing services for wireless data calls, comprising: establishing a wireless data call with a mobile device; monitoring the content of communications with the mobile device on the wireless data call; detecting in the content a predefined event associated with a wireless data call service; initiating the service for the wireless data call in response to detecting the predefined event in the content; wherein the predefined event comprises a use of transmission resources in excess of a predefined amount (col. 6, line 37 – col. 7, line 12; col. 7, line 62 – col. 8, line 11).

Regarding claim 104, the method of claim 103, wherein Shteyn further discloses the use of transmission resources in excess of a predefined amount comprises a use of transmission

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resources in a forward direction from the mobile device to a wireless network in excess of a predefined amount (col. 7, line 62 – col. 8, line 11).

Regarding claim 105, the method of claim 103, wherein Shteyn further discloses the use of transmission resources in excess of a predefined amount comprises a use of transmission resources in a reverse direction from a wireless network to the mobile device in excess of a predefined amount (col. 6, line 58 – col. 7, line 12).

Regarding claim 110, Shteyn discloses a method for providing services for wireless data calls, comprising: establishing a wireless data call with a mobile device (Fig. 1, 108); monitoring the content of communications with the mobile device on the wireless data call; detecting in the content a predefined event associated with a wireless data call service; initiating the service for the wireless data call in response to detecting the predefined event in the content; wherein the predefined event comprises a quality of service (QoS) reduction; and wherein the wireless data call service comprises reducing a bill for a user of the mobile device (col. 6, line 37 – col. 7, line 12; col. 8, line 42 – col. 9, line 24; see Fig. 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 106-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shteyn as applied to claim 103 above, and further in view of U.S. Patent Application Publication No. 2002/0029189 by Titus et al, hereinafter Titus.

Regarding claim 106, the method of claim 103, wherein Shteyn discloses the wireless data call service comprises a postpaid service based on the user of transmission resources (col. 7, lines 8-12).

Shteyn does not disclose the wireless data call service comprises a prepaid calling card service limiting access to the Internet based on the use of transmission resources.

Titus a method for providing services for wireless data calls, comprising: establishing a wireless data call with a mobile device; the wireless data call service comprises a prepaid calling card service limiting access to the Internet based on the use of transmission resources (see Abstract; section 0008, lines 1-9; section 0016, lines 1-10).

It would have been obvious to one of ordinary skill in the art to modify the method of Shteyn to include a prepaid calling card service as taught by Titus. One of ordinary skill in the art would have been lead to make such a modification since the wireless data call service can include a prepaid calling card service that is initiated in response to a predefined event specified in the mobile device user's profile.

Regarding claim 107, the method of claim 106, wherein Titus further discloses the prepaid calling card service limiting access to the Internet based on the use of transmission resources limits access to the Internet to a predefined amount of time (e.g. Time of day and/or day of week) (see Abstract; section 0042, lines 1-8).

Regarding claim 108, the method of claim 106, wherein Titus further discloses the prepaid calling card service limiting access to the Internet based on the use of transmission resources limits transmission with the Internet to a predefined volume (e.g. character count) (see Abstract; section 0042, lines 1-8).

Regarding claim 109, the method of claim 108, wherein Titus further discloses the predefined volume comprises a predefined number of transmission bytes (e.g. character count) and further comprising: inherently determining that a number of transmitted bytes exceeds the predefined number of transmission bytes; transmitting any packets in a transmit queue; and discarding subsequent packets received for transmission (section 0019, lines 1-9; section 0068, lines 1-5).

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Please see the rejections above for further review.
9. Accordingly, **THIS ACTION IS MADE FINAL.**

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- U.S. Patent No. 6,401,113 by Lazaridis et al teach a system and method for pushing information from a host system to a mobile device upon sensing a triggering event; a redirector operating at the host system enables a user to continuously redirect certain user-selected data items from the host system to said device upon detecting one ore more user-defined triggering events

11. Any response to this action should be mailed to:

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P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE
PATENT EXAMINER**

LH
lh

May 31, 2005

Ovidio Escalante